

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

EKHAUS *et al.*

Appl. No.: 09/887,528

Filed: June 25, 2001

For: **Method and System for High Performance
Model-Based Personalization**

Confirmation No.: 5737

Art Unit: 3623

Examiner: Sterrett, Jonathan G.

Atty. Docket: 2222.0730001

Summary of Examiner Interview

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Amendment

Sir:

Applicants submit the present Summary of Examiner Interview under 37 C.F.R. § 1.133 and M.P.E.P. § 713.04.

It is believed that no extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

Summary of Examiner Interview

Applicants' attorneys gratefully acknowledge the courtesies extended to them by the Examiner in telephone communications on February 21 (voice mail message) and 23 (telephone interview).

In the telephone interview on Monday, February 23, the Examiner stated that he had recently taken over examination of the subject application, and wanted to discuss a proposal that may advance prosecution. The Examiner stated that he believes the method claims are too broad. The Examiner noted that the description in the specification includes many equations, and asked whether Applicants would be willing to amend the independent claims to include one or more of such equations, e.g., to recite that the "sparse unary ratings matrix" is generated using a specific equation or algorithm from the specification. However, the Examiner did not propose any specific amendment.

Applicants' attorneys argued that the current claims are distinguishable over the cited art for the reasons stated in the response filed on November 11, 2008, and summarized those arguments for the Examiner. Applicants' attorneys advised the Examiner that the Applicants are not inclined to amend the independent claims at this time because the Examiner has not identified any art that necessitates any amendment.

The Examiner stated that he believes the relevant art is crowded, and that he believes a further search, e.g., using Google scholar, likely would yield references that may be pertinent to the claims, although the Examiner confirmed that he had not yet conducted such a search. Applicants' attorneys encouraged the Examiner to conduct a thorough search, as Applicants are interested in obtaining the strongest patent protection possible.

No agreement was reached regarding any claim amendments, and the Examiner indicated that he will proceed with examination of the application and office action response filed on November 11, 2008 in the next few weeks.

Conclusion

Applicants believe that the present Summary of Examiner Interview accurately summarizes the telephone communication of February 23, 2009.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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